

6th February 1924] [Mr. C. P. Ramaswami Ayyar]

"The next item is the Cauvery division. The amount is required to meet the liabilities in carrying out urgent works on account of the erosions caused by the heavy floods. Out of a total of Rs. 34,000, a sum of Rs. 22,000 has been allotted by reappropriation.

"As regards works for which capital accounts are kept, all these sums are required for the repair of damages. I may say to this House that so far as we have been able to meet these costs by reappropriation, we have done so. These are all urgent works caused by the unprecedented happenings of the last few months and I am confident that this House will pass this Demand."

The motion was put and carried, and the Grant was made.

V

THE TUTICORIN PORT TRUST BILL.

Clause 8, sub-clause (1).

The House then resumed discussion on the amendment to item (f), sub-clause (1), clause 8.

MR. S. SATYAMURTI :—"Mr. President, I was expressing my surprise and my resentment yesterday at the hon. the Leader of the House having ventured to pour ridicule upon this very reasonable amendment of my hon. Friend, when 4 o'clock intervened. I want to resume at that stage and would like to repeat to this House that this amendment aims very moderately at giving expression to feelings, which I know, are shared by every Indian who values the self-respect of his country and since the last debate on a similar nature, events have happened which must have strengthened those who supported that motion and weakened the sentiments of those who opposed it. I need only mention the Kenya Immigration Bill which wants to carry out such reactionary recommendations that even the Conservative Ministry of Mr. Baldwin had to turn it down and ask the Government to frame a Bill on different lines altogether. They have introduced, Sir, in South Africa a Class Areas Bill designed to hurt Asiatics and Indians in particular. Therefore, all the events which have since happened tend to show that we must give some expression to this feeling of resentment. Then the hon. the Finance Member advanced two arguments which I venture respectfully to answer. First he said 'Australians, South Africans and New Zealanders may not feel the effect of the passing of this amendment.' But may I venture to submit to this House that when a man is being beaten by a bully, unless he is a coward, whatever his strength may be, he hits back with all the strength he can command? I am one of those who feel the injustice done to us and it may be my talk may not be effective but my self-respect demands that I should resent it. I will never assent and I hope the House will never assent to the position that, because India is weak, it must also take every humiliation by not even resenting it.

"Then the final argument of the Leader of the House was 'if you adopt this amendment how are the New Zealanders, the South Africans and the Australians going to know that?' When we discussed the question of the boycott of the British Empire Exhibition which would have been broadcasted all over the Empire and would have made the South Africans, Australians and others sit up and realize that India means business, we were told that for various economic and other considerations we ought not to boycott the British Empire Exhibition. Now, when we are putting forward a small amendment, we are told that it is too small and we can do nothing effective, therefore do

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not do it. I am sure this House ought not to reduce itself to the position of impotence, because we must not do great things lest we offend them and small things lest we may not offend them. Therefore the position is this: We want to assert our self-respect. You say that all those who serve on British Indian ports should be British subjects. We say that we are Indians; we are not treated as British subjects in certain colonies and so those colonies shall not have such rights here. I am anxious, Mr. President, that this House composed as it is of different parties of political opinion should all unite in standing up for the self-respect of the country and pass the amendment and give to the world the idea that whatever political differences there may be among Indians, on this matter of the self-respect of India as a nation they are all united, whether they be Ministerialists or anti-Ministerialists. It is with that hope that I venture to support the amendment and I respectfully commend it to the House so that the Government Members who still think in the old ante-deluvian way imagining that India is going to swallow any bitter pills, will also learn that India means business and if the Madras Government feel their responsibility they must revise their opinions on these matters. I therefore strongly support this amendment."

Mr. R. W. DAVIES :—" Mr. President, a soft answer turneth away wrath: and I do not wish to say anything on this occasion which will exacerbate or intensify the feeling which at least one section of the House, and perhaps more than one section entertains. The amendment that has been moved is an amendment which is based on sentiments which I should not attempt to minimise. They are sentiments the profundity and genuineness of which I do not for a moment question. I do not suggest for a moment that I can assuage the feeling which has been aroused over this Kenya question. But I think it desirable to endeavour to do so. In a House which is composed of two races, the two races that are in question with regard to this amendment, it is far from pleasant for a member of one of those races, the race which is attacked, to participate in a debate which is based on grounds of racial sentiments which the members of his own race do not in any way reciprocate. The reason of my intervention at this stage is that I consider that some Member of this House who belongs to the race which is the subject of the attack in this amendment—and it is a very small minority in this House—should rise to explain the position. Myself I am an European in India, in which country I have spent nearly a quarter of a century, and during the whole of that lengthy period, I have never to my recollection been either the target or the victim of any expression of racial ill-feeling. Nor have I myself—and in this I trust that those Indian Members of the House who are my friends and acquaintances, particularly those whom I knew in the mufassal, will acquiesce—nor have I myself ever given rise to any display of racial ill-feeling. In view of this experience of mine, it is not unnatural that I should have every sympathy with the sentiments, the aspirations and the feelings by which the hon. Mover and his Supporter have alike been influenced.

"The hon. Sir Charles Todhunter foreseeing the outcome of the discussion endeavoured to withdraw it from the region of racial controversy. I think that he has not been altogether successful and it is for that reason that I am following the hon. Member who has just sat down to the plane of discussion which he has chosen, and which perhaps he has every right to select. Before returning to this plane, there is one practical consideration which I should like to bring before the House. The present amendment is based on a very keen sense of national consciousness and that consciousness has been aroused

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to a very great extent in recent times, as Mr. Satyamurti will admit, by what is known as the Kenya decision. But I do not consider that the best method of giving effect to this resentment is the one that has been chosen on this occasion. I am merely putting forward this as a suggestion and not in a didactic or dogmatic manner. Almost all the countries of the world have their own Immigration laws and their own Immigration regulations, which are based largely on economic and rarely on political grounds. India, unfortunately for herself, has not yet got the authority to pass Immigration laws and Immigration regulations of exactly the same nature.

11-45 a.m. "But the time is coming, perhaps it may not be very distant, when India will possess that authority and will then be able to prevent and restrict, if she so desires, the entrance into this country of nationals of any other state or colony, the legislation of which in the opinion of Indians is restrictive and inequitable to the citizens of this country. In India, however, owing to the absence of complete power and complete authority to pass such legislation, we see that endeavours are being made in various parts of India to introduce by means of by-laws, by means of rules and in enactments such as the present one, which are only of local interest and application, restrictive clauses which have very little operative effect, which are not germane in real truth to the subject of the Bill and which therefore are bound very largely to prove ineffective. I would suggest therefore that a remedy which cannot prove effective and a remedy which has little relevance to the subject-matter of the particular local Bill should be treated as inadvisable and one that need not be pressed. I would further add, in view of Mr. Satyamurti's reference to the Kenya decision and the Kenya Immigration Bill, that I have seen in this morning paper—whether correctly or incorrectly reported—that it is the intention of the present Government at Home to revise the Kenya decision. And it has been announced both by the Secretary of State and the Viceroy that they are in entire sympathy with the Indians. Moreover a committee is to be appointed, an Indian committee, to deal and negotiate with the British Government in order to secure the review and the revision of the steps which have been already taken and which have given offence to this country. I would therefore suggest that for this reason, as well as for the fact that the clauses have not been operative, the amendment might be dropped.

"One more word before I sit down—to return to the former plane. I may say that all India has been gratified recently by the recovery from a dangerous operation of one whom all Indians respect or revere, particularly the members of the party to which the hon. Member who has just spoken belongs (Mr. Kesava Pillai: "By all"), and more recently still, i.e., only yesterday when this amendment was being moved, an announcement was made that the same revered leader had been released from incarceration (cheers). I would say that this is not the day, nor the occasion to celebrate that release by embarking on a display of racial antagonism or bringing before this Council a debate which is based on racial antagonism. I do not think that if Mr. Gandhi himself were consulted on this matter he would advise the course which has been adopted. I ask those followers of his, not only those who like my hon. Friend from Ganjam wear his uniform, but those who do not, whether their own leader would desire that this matter of a Port Trust Bill should be made the occasion of racial controversy. In the circumstances I would suggest to the hon. the Mover of the amendment to reconsider his motion and withdraw his amendment."

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Against this must be set off the increase of 472 in the number of triune officers in proprietary estates.

As regards the other clauses of the question, the collection of the statistics will involve an undue amount of work in the district offices. The Government do not therefore propose to ask the Board to undertake this.

Rao Bahadur O. TANIKACHALA CHETTIYAR:—“However much it may be inconvenient to call upon the Collectors to furnish information as to the number of appeals received from the village officers in view of the labour involved, I don't think there will be any difficulty in getting the information from the Board of Revenue. I expect that in a place like the Board of Revenue, well conducted as it is, there is a register maintained containing the appeals that have been preferred and another column showing what was done with each appeal, whether it was allowed or rejected. So will the hon. Member be pleased to reconsider his decision and propose to ask the Board of Revenue to give information about a matter about which so much of hardship is felt and much feeling is entertained all over the Presidency?”

The hon. the RAJA OF KOLLENGODE:—“I shall call for the information.”

Water-supply.

Bellary water-supply scheme.

130 Q.—Mr. K. ABDUL HYE SAHIB: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are willing to take up the Bellary water scheme which has been kept in abeyance for want of funds;

(b) whether it is a fact that there is a great scarcity of drinking water in Bellary town and that the two or three wells which are the main source of supply are getting dried up for want of rain;

(c) whether it is a fact that the Collector of Bellary has pressed the said point several times and, if it is so, what action has been taken on his representation;

(d) whether it is a fact that the supply of water in the Fort ditch has been reserved solely for the Mappilla convicts; and

(e) for how many months the supply of water in the Bellary town will last?

A.—(a) The Government have already decided to take up the scheme at once for execution and have agreed as a very special case to bear 75 per cent of the initial cost of the scheme. The Bellary Municipal Council has been asked to report immediately whether it agrees to impose the taxation required to finance its share of the capital cost and to meet the maintenance charges.

(b) The Government understand that owing to the failure of the rains the water level in all the main sources of supply is very low for this time of the year. These sources are reported to be (1) the artesian well, (2) the Fort ditch, (3) the mainwaring and Nulla tanks and (4) some wells.

(c) The answer is in the affirmative. The Chief Engineer was specially sent to Bellary to report on the water-supply scheme. Work will be commenced very soon and it is expected that the scheme will be completed in less than a year.

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Some people advise that we should legislate only when we have got full powers. Should we not pass a small legislation when we have got power to legislate it? Are we not to make a beginning? As a matter of business

12 noon.

we ought to safeguard the economic principles of the country. Why should we keep quiet, because this Resolution of the Madras Council may not reach the ears of the colonials? Well, Sir, the colonials are far more shrewd than what the Leader of the House takes them to be. Their representatives here will wire to the colonies; there will be a special service of Reuter which will flash urgent telegrams throughout the world that we in this Madras Council have passed a small measure, simply because we do not like the doings of the colonials. They should know that the people who passed the measure have got the fullest sympathy of the Europeans in this country. Whenever and wherever possible legislation will be enacted against the colonials who treat us not like men but like brutes. Therefore, from all these points of view we must legislate as much as possible.

"But we cannot forget what has been said in the name of the great leader Mahatma Gandhi. It was unfortunate that when that matter was referred to in this Council there was not much more jubilation than what was shown by a few members here. The release of the Mahatma is a great national matter. It is a thing for national rejoicing and jubilation. If any one thinks that by passing this amendment we would be marring the effect of his release, or the great joy and gratefulness that we feel towards the Government, however unrighteous might have been his arrest and conviction, I may assure him that this legislation would have no such effect. On the other hand, the release to-day after the great suffering in prison reminds us of the great sufferings of the Mahatma in South Africa. He it was who told us what the sufferings were and how they could be remedied. He taught us to fight the battle of non-co-operation and the battle of passive resistance so far as South Africa was concerned. We should now remind the colonials that we in our humble way remember his sufferings and would teach them to any extent possible that we are also businessmen and we could safeguard our business interests. Therefore I would appeal to the whole House to support this amendment unanimously and carry it through without division."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Mr. President, Sir, I believe the hon. Member Mr. Davies said that it raised a racial question. It is not really a matter which raises a racial question. The amendment is directed only against those colonies which do not treat Indians properly. Indians are citizens of India and as such they have the same rights and liberties as the Europeans and others naturalized here. Indians also have got the same rights of citizenship if they are naturalized in places like England, Scotland and many colonies. It is only in certain colonies that the rights of naturalized Indians are not respected. The present amendment is directed only against those colonies. Probably the wording of the amendment is not good; the words 'unless specially exempted by the Local Government' intended that the Governor would exempt those colonials who come from colonies which do not discriminate against Indians. The real object of the amendment is to discriminate against colonies who do not give full rights of citizenship to resident Indians there. That is the idea underlying the amendment, and looked at in that light I beg to submit that this amendment cannot be construed as evoking racial antipathies. If the Europeans here do not think that they ought not to make common cause with the Europeans in certain colonies who discriminate against Indians I can only say they are not

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taking the proper attitude. It does not raise a general question of race. It is a clear retaliatory measure which wants to discriminate against those people who have passed legislation affecting resident Indians in their own colonies. Looking in that light I hope the European Members of this Council will not object to the amendment. Many of them have adopted India as their home. The position now is clear; and I would request the permission of the hon. the President to move an amendment."

The hon. the DEPUTY PRESIDENT :—" Yes."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I beg to move an amendment—

To delete the words 'unless specially exempted by the Local Government' after British colony and insert 'which does not give full citizen rights to resident Indians.'

" My object is the real object of my friend's amendment. This is a matter of sentiment that exists in this country with reference to the legislation undertaken by one of the colonies. It is a matter in which opinion is quite general. It extends from the Government itself which cannot be said to be purely Indian or to be actuated by racial considerations to the poorest man in the street. Such being the case the object cannot be viewed in any sinister light. It is a question in which every Indian is interested, and as such I hope it will receive the support of everybody in the House.

" The second question raised is whether it would achieve its object of effectively retaliating against the colonies and producing some effect. There are two aspects from which this matter can be looked at. It is a matter of self-respect for us. We don't want that people who don't treat us properly should be treated with all honour, comfort and equal rights in this country. That is one way of looking at it. The hon. Member Mr. Davies spoke about Immigration laws. Now this is a question of dealing with residents in the country. Indians are not getting the rights for which we and the Government of India have asked some colonies. Some of those colonials are trading in Tuticorin; and we shall show them that if they discriminate against Indians they would not have the same rights that we give to other people. That is one way of doing the thing, and I do not know any other effective way in which we can do this. We can only legislate to the extent of our power, to the extent to which we are able. I do not think that the objection raised is quite valid. With these few words, I beg to move my amendment and I request the hon. Members to accept it unanimously."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I beg to second the amendment. We all appreciate the speech of the hon. Member, Mr. Davies, who appealed to the Mover of the amendment to withdraw it. But if there is anyone who has furnished sufficient justification for this amendment it is Mr. Davies himself. If we analyse his views, we would see that he does not oppose the passing of an Immigration Bill when we have the full power to do so. That shows clearly that we will be justified in taking necessary retaliatory measures when we feel that Indians abroad are not being treated properly. When once that position is conceded, it is really difficult to understand how he arrived at the conclusion that the acceptance of the amendment would mean that we do so on account of racial considerations. I am in full agreement with the views of the hon. Member. If we are convinced that this amendment would introduce unnecessary racial questions, I would not myself be a party to it. It only says that if citizen rights have not been

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granted by the Colonial Government, we should also adopt similar measures as far as we are concerned. To-day it may be an amendment regarding the Tuticorin Port Trust Bill; to-morrow it may be another matter; but the question before the House is whether the amendment is reasonable or not reasonable. We are signifying the disapproval of the methods adopted by the Colonies by all legitimate means. If we look at this question from this standpoint, I think all the Members of this House, to whatever race or creed they may belong, will have no objection to give their assent to this amendment.

"We all feel proud that attention has been drawn to the release of Mahatma Gandhi. It has created feelings of joy all over the country. While referring to it we have also been told that it would not be consistent with the occasion that such discussions should be going on. Sir, I take a different view of the situation. It is clear that, so far as we are concerned, we show no racial distinction here. We only express our resentment. We quite realize that the Mahatma, of all others, will be the last man to harbour any racial feeling. Even before his release, while he was a prisoner, laid up in the hospital, he proclaimed from the house-tops that he loved every Englishman in India. There is no other man who would voice such views under such circumstances. He is the only man. I may assure the hon. Members opposite that it is impossible to conceive of any racial distinctions in this amendment at all. On the other hand, it is distinctly the opposite of it. The question is a simple one. It is an admitted fact that there are some colonies which deny the ordinary, elementary rights of citizenship to Indians. In dealing with such colonies, are we not justified in passing a measure in this Council with a majority of Indian Members to the effect that persons of such colonies ought not to be given the same rights as are given to other people? I would ask the European Members of this House to ponder and consider before they give their vote over this question. I fail to imagine how there can be any difference of opinion so far as this point is concerned.

"The hon. the Leader of the House whose remarks we listened to with great attention did not suggest any specific reasons for rejecting this amendment except that it will not produce the desired effect. He did not find any unreasonableness in the amendment itself. He suggested, 'Do you expect this amendment to be circulated broadcast among the colonials so that they might realize the significance of the proposal? Therefore, the amendment may be nugatory.' That is all the objection put forward by the hon. the Leader of the House, and if that is all, I would ask him to consider whether he expects that every provision of any legislative measure is being understood by the whole world at large. We are going to have the Madras Irrigation Bill affecting large sections of our countrymen in this Presidency and in that connexion you will find statements made that there are many who do not understand the provisions of the Bill. Therefore, the possibility that this amendment may not be understood by several persons whom it is intended to affect, need not deter us from passing it even in a measure of this description. Therefore the only test is: is it reasonable or unreasonable? We need not care whether we have the machinery to make this provision understood by the various colonials or not. If we feel that we are justified in imposing this restriction, it is our plain duty to do so.

"I want to refer to one other question before I sit down. In accepting this amendment, I think we will be really giving correct expression to our intentions, that is, giving honest expression of our views. There was so

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much said about political honesty yesterday. If we are really politically honest and if we feel that we Indians should be properly treated in the colonies, we should unhesitatingly accept this amendment. Therefore, I request, that without any dissentient voice this amendment should be accepted. If there is a colony where Indians are being properly treated, it is not fair to say that those Colonials should be subjected to this disability. Where Indians are not granted full rights of citizenship, the members of those colonies should be subjected to this disability.

"I do not think it is necessary to retain the last words of the amendment, viz., 'unless specially exempted by the Governor in Council or the Local Government.' It is not desirable at all to have a saving clause to give power to the Government. If we have a saving clause like that, the whole effect of this amendment will be practically taken away. I think that by giving such power to the Government, Mr. Peddiraju will be taking away the object of this amendment itself. That is what strikes me. I therefore think that the amendment of Mr. T. A. Ramalinga Chettiyar should be accepted by every section of the House, whether Indian or European."

The hon. the DEPUTY PRESIDENT :—"Does the hon. Member Mr. Peddiraju accept the amendment?"

Mr. P. PEDDIRAJU :—"Sir, I will wait a little while and watch the discussion."

The hon. the DEPUTY PRESIDENT :—"We will avoid discussion."

Mr. P. PEDDIRAJU :—"Sir, the words 'full citizen rights' have got a doubtful interpretation in my opinion and therefore I would be glad if it is changed into 'equal citizen rights along with the colonials.' Sir, Kenya Indians are given 'full citizen rights' which does not mean much."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I have no objection to amend my amendment accordingly."

Mr. A. RAMASWAMI MUDALIYAR :—"Sir, I do not think that an amendment can be moved at this stage. The proper procedure would be for the hon. Mover to withdraw his amendment first and then allow the next amendment to be moved."

The hon. the DEPUTY PRESIDENT :—"He will be asked to withdraw. I thought that if this was accepted by the hon. Member, Mr. Peddiraju, it will avoid discussion."

Mr. P. PEDDIRAJU :—"I am not withdrawing my amendment and I do not accept the amendment of Mr. Ramalinga Chettiyar."

The hon. the DEPUTY PRESIDENT :—"The hon. Member wants to add the word 'equal' between the words 'give' and 'citizen'."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I have no objection to the amendment proposed."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I formally move it, Sir."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I formally second it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, with your leave and with the leave of the House, I will take away the words 'white born' from the amendment and then it will read—

'or, is a British subject of any British colony which does not give equal citizen rights with the colonials to resident Indians'."

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The hon. the DEPUTY PRESIDENT:—"Mr. Peddiraju will please withdraw his amendment."

Mr. P. PEDDIRAJU:—"The amendment in favour of which I am asked to withdraw mine may be read, Sir."

The hon. the DEPUTY PRESIDENT:—"I thought the hon. Member was all attention. It runs thus:

'or is a British subject of any British colony which does not give equal citizen rights with the colonials to resident Indians.'

"Is the hon. Member satisfied now?"

Mr. P. PEDDIRAJU:—"Sir, I beg leave to withdraw my amendment in favour of the one proposed by Mr. Ramalinga Chettiyar."

The amendment was by leave withdrawn.

Mr. BRADFORD LESLIE:—"I would like to ask one question, Sir, and that is, whether the word 'Colonial' includes the Self-Governing Dominions of the Empire."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"It does."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I do not want the House to be under a misapprehension. On the principle of statutory construction, the word 'Colonial' does not include Self-Governing Dominions."

Mr. C. RAMALINGA REDDI:—"Since my hon. Friend has raised this question, why not we make it clear by saying 'Colonies or dominions'?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I suggest for the consideration of the House and of the Leader of the House that as this is a matter in which an amendment upon amendment upon amendment has been proposed, this matter may be postponed till to-morrow to see if a kind of formula cannot be framed or a formula which may be beyond the range of controversy introduced? If I may say so respectfully, I am only speaking from the point of view of making the Statute perfectly clear. I earnestly appeal that the discussion on this clause may be held over till to-morrow so that what is in the minds of the various hon. Members may be carefully considered. We desire accuracy of language."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"There is no objection to that course being adopted."

The hon. the PRESIDENT:—"I take it that the hon. the Leader of the House has no objection to having this clause taken up to-morrow."

The proposition that clause 8 of the Bill be taken up to-morrow (7th February 1924) was agreed to.

Clause 9.

Rai Bahadur T. M. NARASIMHACHARLU:—"I beg to move—

for the words 'Local Government' occurring after the words 'but the' substitute the word 'Board.'

"Clause 9 will then read thus:

'The Chairman and Vice-Chairman shall hold office during the pleasure of the Local Government. The remaining Trustees shall hold office for a term of two years from the date of election or appointment, as the case may be, but the Board may at any time accept the resignation of any Trustee.'

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"It will be seen from the nature of my amendment that it is unnecessary that the Local Government should have the power to accept the resignation. The Board itself can do it and that power can therefore be given to the Board instead of to the Local Government. My point is that the Board can be trusted at least to accept resignations. If the Board cannot be trusted with other powers, it can at least be trusted to accept resignations. That is my position."

Mr. R. SRINIVASA AYYANGAR :—"I second the amendment."

The hon. Sir CHARLES TODHUNTER :—"Sir, this is not a highly important proposal for enhancing the powers of the Port Trust Board. The present wording of the clause was taken from the Madras Port Trust Act. The reason for this wording is simply that the Local Government has to nominate trustees and therefore, if a particular trustee wishes to resign, he intimates his desire to resign to the Local Government and the Local Government accepts it and nominates a successor. The creator accepts the resignation of the creature. I think that is the normal and proper procedure. I do not wish to press my opposition to this motion, but I think it is not very desirable to make a minor difference between clauses when dealing with the same question in different places. In all the other Acts, this power is reserved to the Local Governments. I should therefore prefer it if the hon. Mover would leave matters as they are, but, if he presses his amendment, I shall be prepared to accept it, though with some reluctance."

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I see that the Government always thinks of nominations. The Board consists also of elected members and I do not see why the Government should have the power to accept nominated members' resignations as well as elected members' resignations. I trust the hon. the Leader of the House would accept this."

The hon. Sir CHARLES TODHUNTER :—"Sir, since the hon. Mover sets so much store by this amendment, I accept it."

The amendment of Mr. Narasimhacharlu was then put and carried and added to the Bill.

12-30 p.m.

Clauses 9, 10 and 11 were consecutively put, passed and added to the Bill.

Clause 12.

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I beg to move the following amendment:—

For the words 'one month', substitute the words 'two months'.

"It will be seen that the clause says that

'On the occurrence of a vacancy in the office of a Trustee elected under section 6, the vacancy shall be filled up within one month by the Chamber of Commerce or the Municipal Council, as the case may be.'

"The next clause, that is clause 13, says that

'If a trustee is not elected on the date notified under section 10 or within the period allowed by section 12, the Local Government may appoint a Trustee and the person so appointed shall be deemed to be an elected Trustee.'

"Now, Sir, on account of the stringency of clause 13, if by any chance there was delay and the period of one month elapses, the Chamber as well as

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the Council may lose the chances of election altogether. Therefore I submit that this one month is too short and I propose to substitute two months for one month."

Mr. R. SRINIVASA AYYANGAR seconded the motion.

Mr. C. GOPALA MENON :—" Mr. President, Sir, I oppose the amendment for this reason ; that if there is a delay of two months, the interests of the Chamber by not having a representative on the Board for looking after their interests will suffer. As vacancies have been filled up within a month's time in Madras, there is no reason why a similar Port Trust like the Tuticorin Port Trust could not hold an election and return a representative within one month."

The hon. Sir CHARLES TODHUNTER :—" Mr. President, this again is not a matter of very vital importance, and I may repeat that it is just as well to stick to the existing practice, which has not yet given rise in Madras to any difficulty. I think there is less reason to suppose that it will present any difficulty in Tuticorin where everybody can be found within a hundred yards. If, owing to factions for or some other reason election in these bodies is delayed, their interests may suffer. As I pointed out on another motion, the interests are very much divided, and if you find certain interests not represented at all at any meeting of the Board owing to the failure of a particular body to carry out an election within time, it would not be very desirable. In a small place like Tuticorin, an election can be managed in one day if necessary. Therefore I should prefer that these minor amendments were withdrawn."

Rai Bahadur T. M. NARASIMHACHARLU :—" As my own party man objects to my amendment, I beg leave to withdraw it, Sir."

The amendment was by leave withdrawn.

Clauses 12, 13 and 14 were then consecutively put, passed and added to the Bill.

Clause 15.

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I move the following amendment :—

In sub-clause (2) for the words ' Local Government ', substitute the word ' Board '.

" This is also a question in regard to which the Government think that they can know the intentions of a trustee who is absent, better than the Board itself, whose members are present on the spot. I think they, the members, are expected to know better the intentions of the person who is absent, and I do not see any reason why, if there is any doubt at all on the question, that should be decided by the Local Government and their decision should be final. I think, Sir, in a matter like this the decision of the Board will be more acceptable than the decision of the Government which sits far away from the locality. I therefore commend this amendment for the acceptance of the House."

Mr. C. V. VENKATARAMANA AYYANGAR seconded the motion.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, I would ask the hon. Member for Cuddapah to consider this point. The question of the appointment of acting trustee is raised where any trustee departed with any

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particular intention. The hon. Member will be aware that there may be cases where on account of local factions or jealousies the Board may itself come to a clearly adverse conclusion. Is it not much better that, where a question of whether a trustee who departed with a particular intention or other should forfeit his seat arises, persons not on the spot but holding a detached position should be placed in the position of judges? After this explanation, I hope the hon. Member would not press his amendment."

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, I would only submit that there is absolutely no reason to apprehend that they are going to establish a Board with factious members in it. If those members can be trusted with the daily management of the work of the Port Trust, I do not see why on this particular matter they should not be trusted. If you assume that the Board will consist of factious members, it is much better that we do not enact this legislation at all. If you assume that normally they will be all sensible persons, then I do not see any reason why they should not be given this power of deciding whether a particular Member departed with a particular intention or not. I submit that the argument advanced even by the hon. the Law Member is not at all convincing to me."

The hon. Sir CHARLES TODHUNTER:—"Sir, may I point out, with reference to this third attempt to paint the lily and to guild the refined gold of the Madras Port Trust Act, that the hon. Gentleman seems to have overlooked the words with which the clause begins? The clause only comes into operation if a question arises as to the intention with which a trustee has departed. If the trustees are all such good people as my humble Friend says, no question will arise; so no harm will be done. Again, as I said in connexion with another clause, this is a provision common to all the large Port Trust Acts in India, and it is intended for exceptional cases in which an awkward question may arise between parties on the Board. In such cases, as my hon. Colleague the Law Member has said, the matter would be better dealt with by an impartial body, and not on the spot."

The amendment was by leave withdrawn.

Clauses 15 to 21, both inclusive, were all consecutively put, passed and added to the Bill.

Rai Bahadur T. M. NARASIMHACHARLU:—"Yesterday, the hon. the Leader of the House said that he would propose an amendment under clause 22."

The hon. the PRESIDENT:—"I understand that it will come after clause 22 is passed."

The hon. Sir CHARLES TODHUNTER:—"Sir, I beg that the consideration of clause 22 may stand over till after I move this amendment.

"In accordance with the undertaking given yesterday, I now beg to move, subject to the permission of the House, that there be added after clause 22 the following clause as clause 23:

'23. *Notwithstanding anything contained in this chapter, the Local Government may by notification direct that the Board shall elect, in such manner as may be prescribed, one of its trustees as vice-chairman. Such vice-chairman shall hold office for the remainder of his term as trustee. The provisions of sections 14 and 16 shall not apply to a vice-chairman elected under this section.*

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"I think the reason for this clause has been sufficiently explained, and I do not think that I need go into it at length."

The hon. Mr. C. P. RAMASWAMI AYYAR seconded the motion.

The new clause 23 was put, passed and added to the Bill.

Clause 22 was then put, passed and added to the Bill.

The hon. Sir CHARLES TODHUNTER :—"Sir, I now ask the permission of the House to move the following comprehensive amendment providing for all the alterations in the numbers of sections in the case of all the clauses following clause 22 and all references to them in other sections throughout the Bill :—

- (1) *Re-number existing clauses 23 to 120 as clauses 24 to 121 respectively.*
- (2) *In clause 8—*
 - (a) *in sub-clause (1) (d), for the figure '27', substitute '28'.*
 - (b) *in sub-clause (1) (e) (vii), for the figures '39' and '41' substitute '40' and '42' respectively.*
- (3) *In clause 22, sub-clause (3), for the figures '24', '97' and '23' substitute the figures '25' and '98' and '24' respectively.*
- (4) *In existing clause 23, in the 'Explanation', for the figures '24' and '26' substitute the figures '25' and '27' respectively.*
- (5) *In existing clause 24, sub-clause (3), for the figure '99' substitute '100'.*
- (6) *In existing clause 25, for the figures '23', '24', '24' and '99' substitute '24', '25', '25' and '100' respectively.*
- (7) *In existing clause 26, sub-clause (1), for the figures '24' and '23' substitute '25' and '24' respectively.*
- (8) *In existing clause 27, paragraph 1, for the figures '23', '24' and '26' substitute '24', '25' and '27' respectively.*
- (9) *In existing clause 32, sub-clause (8), for the figure '39' substitute '40'.*
- (10) *In existing clause 36, for the figures '33' and '34' substitute '34' and '35' respectively.*
- (11) *In existing clause 39, sub-clause (2), for the figure '41' substitute '42'.*
- (12) *In existing clause 40—*
 - (a) *in sub-clause (1), for the figure '39' substitute '40'.*
 - (b) *in sub-clause (2), for the figure '39' substitute '40'.*
- (13) *In existing clause 41—*
 - (a) *in sub-clause (1) (a), for the figure '39' substitute '40'.*
 - (b) *in sub-clause (1) (b), for the figure '40' substitute '41'.*
 - (c) *in sub-clause (3), for the figures '39', '43', '44' and '45' substitute '40', '44', '45' and '46' respectively.*
 - (d) *in sub-clause (4), for the figures '43', '44', '45', and '40' substitute '44', '45', '46' and '41' respectively.*

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- (14) *In existing clause 42, sub-clause (1), for the figures '39' and '41' substitute '40' and '42' respectively.*
- (15) *In existing clause 43, for the figure '41' substitute '42'.*
- (16) *In existing clause 45, for the figures '43' and '44' substitute '44' and '45' respectively.*
- (17) *In existing clause 46—*
 (a) *in sub-clause (1), for the figures '43', '44' and '45' substitute '44', '45' and '46' respectively.*
 (b) *in sub-clause (3), for the figures '43', '44' and '45' substitute '44', '45' and '46' respectively.*
- (18) *In existing clause 48, sub-clause (1), for the figures '74' and '66' substitute '75' and '67' respectively.*
- (19) *In existing clause 49, for the figures '43', '44', '45' and '46' substitute '44', '45', '46' and '47' respectively.*
- (20) *In existing clause 55, for the figure '56' substitute '57'.*
- (21) *In existing clause 59, for the figure '54' substitute '55'.*
- (22) *In existing clause 62, sub-clause (1) (b), for the figure '55' substitute '56'.*
- (23) *In existing clause 65, for the figures '110', '111' and '113' substitute '111', '112' and '114' respectively.*
- (24) *In existing clause 78, sub-clause (1), for the figure '98' substitute '99'.*
- (25) *In existing clause 88, for the figure '87' substitute '88'.*
- (26) *In existing clause 91, for the figures '88', '89' and '90' substitute '89', '90' and '91' respectively.*
- (27) *In existing clause 97, sub-clause (1), for the figures '23', '24' and '26' substitute '24', '25' and '27' respectively.*
- (28) *In existing clause 99, for the figure '98' substitute '99'.*
- (29) *In existing clause 107, for the figure '84' substitute '85'.*
- (30) *In existing clause 108, for the figures '33', '34' and '36' substitute '34', '35' and '37' respectively.*
- (31) *In existing clause 114, for the figure '101' substitute '102'.*
- (32) *In existing clause 118—*
 (a) *in sub-clause (2) (e), for the figures '39' and '40' substitute '40' and '41' respectively.*
 (b) *in sub-clause (2) (f), for the figures '39' and '42' substitute '40' and '43' respectively.*
 (c) *in sub-clause (2) (g), for the figure '87' substitute '88'.*
- (33) *In Schedule I, in the heading, for the figure '28' substitute '29'.*

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second the motion."

The hon. the PRESIDENT :—" The hon. the Leader of the House has indicated a number of amendments affecting only the numbering of clauses and the cross references to numbers. There are 33 of them and any hon. Member who wishes to examine the list may do so.

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[The President]

The amendments have been duly seconded. If the House has no objection, we will take these amendments as read and I shall put them to the House. I take it nobody has any objection. They are merely numerical."

Mr. C. RAMALINGA REDDI :—" They are numerical and numerous."

The hon. the PRESIDENT :—" The question before the House is whether the amendments consequent on the introduction of a new clause after clause 22, be passed and stand part of the Bill."

The motion was put and passed. The amendments were carried and allowed to stand part of the Bill.

There being no amendments to clauses Nos. 23 (old number) to 120 (inclusive), they were put, passed and allowed to stand part of the Bill.

Schedule I was then put, passed and added to the Bill.

The hon. Sir CHARLES TODHUNTER :—" May I now move, Sir, that further discussion of the Bill be adjourned till to-morrow in order that we may arrive at a satisfactory conclusion on the subject of clause 8 ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

VI

ELECTION OF MEMBERS TO THE MADRAS AND SOUTHERN MAHRATTA RAILWAY ADVISORY COMMITTEE.

The hon. the PRESIDENT :—" I have a small announcement to make before we take up the next item on the agenda, and that is, that the ballot papers for the election of Members to the Advisory Committee of the Madras and Southern Mahratta Railway will be distributed by the Secretary during the luncheon interval. The ballot box will be placed in the Secretary's room and will be at the disposal of voters between 5 and 6 p.m. to-day ; the result will be declared to-morrow. The nominations are—

Mr. V. Madhava Raja.

Mr. J. D. Samuel.

Mr. P. Siva Rao.

Mr. Sami Venkatachalam Chettiyar.

Mr. W. Vijiaraghava Mudaliyar."

VII

THE MADRAS IRRIGATION BILL.

The hon. Mr. C. P. Ramaswami Ayyar having been called upon to make the motion which stood against his name as the next item on the agenda, Rao Bahadur C. V. S. NARASIMHA RAJU rose and said :—" Mr. President, under Standing Order No. 34, I move that the consideration of this item on the agenda, viz., the motion of the hon. the Law Member regarding the Madras Irrigation Bill, be postponed till the first day of the next session."

The hon. the PRESIDENT :—" The hon. Member will have to wait until the motion has been made."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Under Standing Order No. 34, no notice is necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Until the House is seised of the business, no motion for adjournment can be made. Mr. President,